

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

JOHN J. DIAMONT, JR.,

Defendant.

CRIMINAL NO. 05-10154-MLW

ASSENTED-TO MOTION TO CONTINUE JANUARY 23, 2007, HEARING

Pursuant to Local Rule 40.3, defendant John Diamont moves the Court for a continuance of the January 23, 2007, hearing on his Motion *In Limine* to Exclude Disputed Invoices and Disputed Checks and his request for an evidentiary hearing regarding same. The Court, by Order dated December 14, 2006, scheduled such hearing to commence on January 22, 2007, at 2:00 p.m. and ordered that the hearing would, if necessary, continue on January 23, 2007. While defense counsel continues to be available on January 22, a professional conflict has arisen with regard to the potential overflow date of January 23. Accordingly, the defendant respectfully requests that this potential overflow date be continued to January 24 at 10:00 a.m. or some date thereafter as is convenient for the Court. The government assents to this Motion.

WHEREFORE, the defendant asks the Court to continue the potential January 23, 2007, hearing date to January 24, 2007, or some date thereafter.

Respectfully submitted,

JOHN DIAMONT

By his attorneys,

/s/ Lauren M. Papenhausen
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Dated: January 5, 2007

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2), the undersigned counsel for defendant John Diamont hereby certifies that defense counsel have conferred with counsel for the government and have attempted in good faith to resolve or narrow the issues presented in this Motion. The government has assented to this Motion.

/s/ Lauren M. Papenhausen

CERTIFICATE OF SERVICE

I, Lauren M. Papenhausen, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 5, 2007.

/s/ Lauren M. Papenhausen

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